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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General in accordance with Commission on Human Rights resolution 1993/64

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INTRODUCTION

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/64 in which the Commission, reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies and at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms, urged Governments to refrain from all acts of intimidation or reprisals against: (a) those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them, (b) those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose; (c) those who submit or have submitted communications under procedures established by human rights instruments; and (d) those who are relatives of victims of human rights violations.

2. The Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way and to help prevent the occurrence of such intimidation or reprisals, as well as to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisals and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard.

3. The Commission also requested the Secretary-General to draw the attention of such representatives to the resolution and invited him to submit to the Commission at its fiftieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution.

I. INFORMATION RECEIVED PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 1993/64

4. Information received pursuant to resolution 1993/64 covers a variety of situations in which persons have been intimidated or prevented from availing themselves of domestic or international procedures or have suffered reprisals for having done so or for having provided information on violations of human rights.

5. In cases in which the victims were individuals or organizations having been in contact with one of the bodies of the Commission on Human Rights, action was taken, whenever requested, for their protection by the relevant body or the representative in charge of the relevant mandate of the Commission. In most cases the relevant body addressed urgent communications to the Government concerned. This prompt intervention procedure is described

in a previous report to the Commission under this item (see E/CN.4/1992/25, paras. 14-18). The action taken during 1993 is described in the following section, which contains a summary of the cases and the replies received from the Governments to which they were transmitted.

6. Other relevant information received under resolution 1993/64 consisted of reports of a more general nature in which a review of persecution and intimidation against particular groups of individuals or members of the reporting organization is made and which also include an analysis of the causes and consequences of such intimidation or reprisals in the context of a certain field of activities or a country situation. Generally, these reports did not contain a request for the protection of specific individuals but rather drew the attention of the international community to the need to protect human rights defenders.

7. Americas Watch provided a briefing paper concerning Mexico in which reference was made, inter alia, to the situation of non-governmental human rights organizations in that country. Americas Watch expressed the view that most of those associations had been able to operate with little open interference, though their activities were sometimes hindered by acts of intimidation, including phone tapping, "friendly warnings" from acquaintances within the government, threats on telephone answering machines, theft of files and, occasionally, death threats.

8. Amnesty International communicated a number of reports concerning acts of harassment or intimidation against human rights activists or non-governmental organizations. For example, in a report regarding Cambodia, it was pointed out that members of human rights groups had been subjected to intimidation by State authorities. In Colombia, military intelligence was reported to have compiled a list of about 150 human rights workers, trade unionists and grass-roots leaders whom it claimed were collaborators or supporters of guerrilla groups. This list, if published, would reportedly expose them to human rights violations. Also in Colombia, members of human rights organization such as the Regional Human Rights Committee (CREDHOS) were said to have been the victims of threats and harassment by members of the security forces; members of the Association for the Families of the Detained and Disappeared in Colombia (ASDFADDES) had reportedly been victims of persistent undercover surveillance, harassment and intimidation by members of the Colombian army's intelligence unit (B-2) during their annual convention in Bogotá in November 1993. In a report on Myanmar, mention was made of the military authorities having deterred most of the population from public opposition through surveillance activities, intimidations and threats to anyone who may have criticized the military in the past or was likely to do so in the future. In the Philippines, two human rights activists, including a worker at Amnesty International's national office, were detained for several hours in the night of 11 to 12 October 1993 by six men believed to be military agents. After their release, their house was kept under surveillance and their family went into hiding, fearing for their safety. Similar reports were also received concerning Guatemala, Turkey and Rwanda.

9. The Andean Commission of Jurists (Colombian Section), in a document dated January 1993, also reported on attacks on members of non-governmental human

rights organizations in Colombia. The report stated in particular that since the middle of 1991, several members of CREDHOS in Barrancabermeja, in the State of Santander, had been murdered.

10. The Guatemalan Human Rights Commission, in a report submitted to the forty-eighth session of the General Assembly, asserted that activities for the promotion and defence of human rights in Guatemala were considered as opposition to the Government, and as such subjected to repression. The defenders of human rights continued to be harassed, intimidated and subjected to surveillance. The army had carried out extrajudicial executions and disappearances, searched offices and destroyed paperwork, and had temporarily detained members of human rights organizations in order to interrogate them about their work.

11. A report on the harassment and persecution of judges and lawyers during the period June 1992 to June 1993 was received from the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists. This report stated that death threats against human rights lawyers continued to occur in an attempt to deter those lawyers from carrying out certain professional duties. This trend had reportedly increased in Northern Ireland, Sri Lanka, Argentina and Brazil. In many countries, lawyers were punished for their human rights work. In Mauritania, for instance, 23 defence lawyers were facing harassment by the Government, including excessive taxation and severing of contracts with governmental bodies, because they were fighting against the impunity granted to several military officers who had been involved in the execution of more than 500 black Mauritanians between 1989 and 1992. In Turkey, several lawyers associated with the People's Legal Aid Bureau were being detained and tried. Lawyers affiliated with the Turkish Human Rights Association were also targeted. The Chairman of this association in Elazig, attorney Metin Can, was killed in February 1993. Jurists involved in human rights activities were also arbitrarily detained in Nigeria, Cameroon, Ghana and Indonesia.

II. ALLEGATIONS OF INTIMIDATION AND REPRISAL RECEIVED AND PROCESSED BY REPRESENTATIVES OF UNITED NATIONS HUMAN RIGHTS BODIES

12. This chapter contains a summary of the information received and the action taken during 1993 by representatives of the Commission on Human Rights in pursuance of resolution 1993/64. The acts of reprisals reported ranged from veiled threats to extrajudicial executions. All the alleged victims were private individuals or members of non-governmental organizations which were or had been a source of information about human rights violations for United Nations human rights bodies. It must be noted with particular concern that the number of cases in which persons who had personally met with representatives of the Commission or of other United Nations human rights bodies and had subsequently suffered reprisals for doing so has increased. Such cases were reported to have occurred in Rwanda, in Haiti, in the Islamic Republic of Iran and in the Sudan.

A. Special Rapporteur on extrajudicial, summary or arbitrary executions

13. In 1993, the Special Rapporteur continued to send urgent communications to Governments to ensure effective protection of those reportedly under threat or at risk of execution. In those cases he urged the competent authorities to carry out full, independent and impartial investigations and to adopt all necessary measures to prevent future violations of the right to life and requested to be kept informed about all steps taken in this regard. In the cases described below, in which members of human rights organizations who had provided information to United Nations human rights bodies had received death threats or were in danger of imminent extrajudicial, summary or arbitrary execution, the Special Rapporteur made specific reference to resolution 1993/64.

14. It must be noted that the summaries included below reflect urgent appeals and replies from Governments only to the extent that they have been included in the latest report of the Special Rapporteur (E/CN.4/1994/7), which contains information up to 22 November 1993.

Argentina

15. On 5 August 1993 at 3 a.m., unidentified individuals rang the bell of Hebe Bonafini's home and shouted through the door, "If you do not shut your mouth we will shut it with bullets". The threat followed her denunciation the previous night during a radio broadcast of the killing of five adolescents a few days before in Buenos Aires province, allegedly by members of the police. Hebe Bonafini is the President of the non-governmental organization Mothers of Plaza de Mayo. This was not the first time she had received anonymous death threats for her outspoken condemnation of the human rights situation in Argentina.

Colombia

16. Members of CREDHOS, based in Barrancabermeja, were reportedly victims of harassment and received veiled death threats from local military officials as a result of their human rights work. Similar threats had in the past been followed by physical attacks against CREDHOS workers, and three members of the organization had been killed in 1992 in circumstances suggesting extrajudicial executions.

Guatemala

17. Oswaldo Enríquez Contreras, a leading member of the Human Rights Commission of Guatemala (CDHG, Comisión de Derechos Humanos de Guatemala), reportedly received anonymous telephone calls in which he was threatened with death if he continued his activities as a defender of peasants and "communists". Telephone death threats were also said to have been received by his father, Ricardo Enríquez, his brother, Dr. Roberto Enríquez, and his sister-in-law, Maria Elena Enríquez.

18. On 2 September 1993, a bomb reportedly exploded in the offices of the Mutual Support Group for the Reappearance of our Relatives Alive (GAM, Grupo

de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares). A few hours later, another human rights organization, the Relatives of Detained and Disappeared of Guatemala (FAMDEGUA, Familiares de Detenidos y Desaparecidos de Guatemala), reportedly received threats that a bomb would be placed in their building if they did not close their offices, which are situated close to those of GAM. These threats were allegedly repeated during the following weeks.

19. On 10 September 1993, a bomb reportedly exploded at the offices of the Guatemalan Association of Jurists (AGJ, Asociacíon Guatemalteca de Juristas), causing serious damage to furniture and documentation but not harming anybody. On the same day, two armed men were said to have arrived at the First Settlement of Internally Displaced Persons Mario Antonio Díaz (Primer Asentamiento de Desplazados Internos Mario Antonio Díaz) and asked to speak to the leaders of the National Council of the Displaced of Guatemala (CONDEG, Consejo Nacional de Desplazados de Guatemala). A few minutes later, they reportedly fired some 14 shots into the air, thus trying to intimidate both the families living in the settlement and members of CONDEG.

20. On 11 and 14 September 1993, armed men reportedly fired shots outside the house of Nineth Montenegro, President of GAM, and a well-known human rights activist. Slogans painted on walls in the capital were said to have accused her as being a "traitor".

21. On 5 October 1993, the self-proclaimed "Roberto Lorenzana Anti-Communist Movement" reportedly slipped a leaflet under the doors of various human rights associations in which 23 persons, many of them well known for their human rights activities, were threatened with death. Among those on the list were Rosalina Tuyuc, Rosario Pu Gómez, Nineth Montenegro, Byron Morales and Otto Peralta. The same leaflet also accused Nobel Peace Prize laureate Rigoberto Menchú of having links with the National Revolutionary Unit of Guatemala (URNG, Unidad Revolucionaria Nacional de Guatemala).

Rwanda

22. Ignace Ruhatana, Permanent Secretary of the Association for the Promotion of Unity and Social Justice (KANYARWANDA, Association pour la promotion de l'union pour la justice sociale) was wounded in an assault by armed men during the night of 3 to 4 May 1993. This attack was reportedly related to his human rights activities, in particular his documentation of grave violations of human rights attributed to the Rwandese security forces. He had personally provided testimonies and documents to the Special Rapporteur on extrajudicial, summary or arbitrary executions during his mission to Rwanda in April 1993.

Turkey

23. Fewzi Veznedaroglu, human rights lawyer and Chairman of the Diyarbakir branch of the Human Rights Association (IHD), reportedly received death threats, at least some of which had allegedly come from members of the Turkish security forces. On 25 December 1992, in front of the IHD building, two plain clothes police officers reportedly told Mr. Veznedaroglu, "If you do not stop those activities, you will end up like the others", allegedly referring to the murder in 1991 of Vedat Aydin, his predecessor as Chairman of the IHD.

On 30 December, Mr. Veznedaroglu reportedly received several anonymous telephone calls at the IHD office giving him a similar message. It was alleged that those threats were related to his defence of political prisoners and documentation of cases of human rights violations in south-east Turkey.

24. Concerning this case, the Government of Turkey replied that Fevzi Veznedaroglu had not filed any complaint against the police officers allegedly threatening him, either with the prosecutor's office of Diyarbakir or the prefect. However, a detained member of the PKK had stated that the PKK planned to assassinate Fevzi Veznedaroglu and other personalities in a way that their killing would be perceived as having been committed by the security forces. Whereas two others were immediately warned by the security forces, Mr. Veznedaroglu could not be reached as he was abroad, but was advised through a colleague to contact the Security Directorate upon his return.

25. In a follow-up letter addressed to the Government of Turkey, the Special Rapporteur transmitted additional information he had received concerning the case of Fevzi Veznedaroglu. It had been alleged that the detainee who had stated that the PKK was planning his assassination had been forced to do so by the security forces.

26. Metin Can, lawyer and Chairman of IHD in Elazig, reportedly received on 21 February 1993 a phone call from someone claiming to be a policeman. He was told that one of his clients had been involved in a car accident and that he should come to the police station immediately. Mr. Can contacted Dr. Hassan Kaya, a medical doctor, and the two left for the police station in Mr. Can's car. They were never seen again alive. On 22 February, Fatma Can, Mr. Can's wife, reportedly received a phone call from an unknown person who said: "We killed Metin and Hassan. Our condolences". Mr. Can's car was found the same day. Other family members reportedly also received troubling phone calls.

27. As regards this case, the Government replied that both men had been found dead under a bridge near Tunceli. Investigations had been opened by the competent authorities in Tunceli. In conformity with the Code of Criminal Procedure, however, the pertinent documents could only be consulted by the defence of those accused.

28. Mrs. Fatma Can reportedly received death threats in connection with the killing of her husband. She was said to be one of the two people who saw and could possibly identify the two men who had abducted her husband. The second person who could possibly identify the presumed perpetrators reportedly fled the country.

29. In a follow-up letter addressed to the Government of Turkey, the Special Rapporteur transmitted additional information he had received concerning the case of Metin Can and Hassan Kaya. It had been stated that the authorities had not taken any action to determine the whereabouts of the two men between their disappearance on 21 February 1993 and the discovery of their bodies on 27 February 1993. It had been alleged that the killing could be linked to the "Kontrgerilla" and the security forces.

30. On 12 March 1993 Hafiz Uzun, representative of IHD in Lice, was reportedly arrested while taking a group of German visitors to a house which was said to have been set on fire by the security forces. It was alleged that during his subsequent detention at Lice Gendarmerie Headquarters, a captain had threatened to kill him and his family. He was released conditionally after his first hearing on 9 June. It was alleged that he had been subjected to torture during his detention. Late on the night of 23 June 1993, his house was reportedly raided by Special Team members and soldiers, who allegedly threatened in front of his wife and children to kill him. On the morning of 24 June, he was again surrounded by Special Team members and soldiers on the streets, who reportedly once more threatened to kill him unless he left the town.

31. The Government replied that Hafiz Uzun had been arrested and brought before the Diyarbakir State Security Court, which acquitted him of charges of having offered assistance and shelter to terrorists. While detained at Diyarbakir prison, he had lodged a complaint alleging that the Commander of the Lice County Unit had threatened to kill him. Investigations had been opened into those allegations. No other complaints had been filed by Hafiz Uzun.

B. Working Group on Enforced or Involuntary Disappearances

32. Information was received by the Working Group from the Hondurian Commission for Human Rights (CODEH, Comité para la Defensa de los Derechos Humanos en Honduras) regarding harassment and intimidation by agents of the Government of the Commission's President and treasurer, reportedly because of their having denounced the situation of impunity in the country and calling for the creation of a technical police for criminal investigations. The Working Group drew this case to the attention of the Government of Honduras through the "prompt intervention procedure" (see E/CN.4/1994/26, para. 235).

C. Independent Expert on the situation of human rights in Guatemala

33. In his analysis of the human rights situation in Guatemala, the Independent Expert reported several cases of human rights violations against members of human rights organizations (see E/CN.4/1994/10). These include the disappearance, on 19 October 1993, of Francisco Guarcas Cipriano, a member of the Mutual Support Group for the Reappearance of our Relatives Alive (GAM, Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares), after his abduction in Guatemala City by four collaborators of the army and former members of the civil self-defense patrols (PAC, Patrullas de Autodefensa Civil), and the detention, on 27 October 1993, of Marco Choco Damas, member of the National Council of the Displaced of Guatemala (CONDEG, Consejo Nacional de Desplazados de Guatemala). In her report, the Independent Expert also reflected death threats against several human rights activists contained in a leaflet signed by the "Roberto Lorenzana Anti-Communist Movement", and threats against the offices of the Association for the Advancement of Social Sciences in Guatemala (AVANCSO, Instituto para el Avance de las Ciencias Sociales) and against Factor Méndez Doninelli, a leading member of the Centre for the Investigation, Study and Promotion of Human Rights (CIEDPRODH, Centro de Investigación, Estudios y Promoción de los Derechos Humanos en Guatemala). The killing, on 30 April 1993, of

Tomás Lares Cipriano, member of the Council of Ethnic Communities "We are all Equal" (CERJ, Consejo de Comunidades Etnicas "Runujel Junam") and the Committee for Peasant Unity (CUC, Comité para la Unidad Campesina), who had previously received death threats on several occasions, was also mentioned in the report by the Independent Expert. Police protection for Tomás Lares Cipriano had been ordered but not come into effect.

D. Special Rapporteur on the situation of human rights in Haiti

34. The Special Rapporteur received information according to which members of the International Civilian Mission established in Haiti by the United Nations and the Organization of American States on the situation of democracy and human rights in Haiti, as well as persons in contact with it, were subjected to acts of intimidation and provocation (see E/CN.4/1994/55). On 9 May 1993, Mrs. Illia Davilma was reportedly summarily executed by members of the military in Cité Soleil, Port-au-Prince, for having informed members of the International Civilian Mission of the situation of repression in the country. Furthermore, according to the report of the International Civilian Mission to the General Assembly (A/48/532/Add. 1, para. 14), since the Mission's evacuation on 15 and 16 October 1993, it had received reports that specific threats had been made to local employees of the Mission and to people who had been in contact with it.

E. Special Representative on the situation of human rights in the Islamic Republic of Iran

35. During his third visit to the Islamic Republic of Iran, the Special Representative met with Bihnam Mithaqi and Kayvan Khalajabadi, two Baha'is detained at Evin prison in Teheran. On 30 December 1993, the Special Representative sent an urgent appeal to the Government of Iran, after he had received information according to which those two persons were possibly facing imminent execution because their death sentences had been reaffirmed on 23 November 1993. It had been reported that paragraph D of Verdict No. 81 charged them, inter alia, with transmitting information to the United Nations, presumably a reference to the interviews they had had with the Special Representative during his last visit (see E/CN.4/1994/50).

F. Special Rapporteur on the situation of human rights in the Sudan

36. The Special Rapporteur received reliable information according to which several persons who had tried to contact the United Nations office during his visit to the Sudan in September 1993 or who had actually met the Special Rapporteur in relation to his mandate had been questioned and arrested by police and security forces (see E/CN.4/1994/48).

37. Aliaba James Surur, a priest who met with the Special Rapporteur on 12 September 1993, was, according to his account, picked up at his home the following morning at 7 a.m. and taken to Security Headquarters at Khartoum, where he was kept for five hours. He claimed to have been told, "Be careful, the Special Rapporteur is now still here, but he will leave in two weeks and you will remain here".

38. On 19 September 1993, two representatives of groups of displaced students from southern Sudan presented a memorandum to a United Nations official at Khartoum, protesting against the closure of their schools. One of them, John Lokwer, was reportedly arrested after he left United Nations premises. His arrest was reported to the United Nations official the next day by two persons representing a group of students who had gathered in front of the United Nations compound. Uniformed and armed police and security personnel were present at the peaceful demonstration. The two students who reported the arrest were accompanied by a uniformed police officer and a security officer. As the police and the security officers left United Nations premises, they promised that John Lokwer would be released. A few minutes later a number of students were reportedly rounded up by the police in front of the United Nations office. Later, the authorities announced that the students had been released, but at the time of the finalization of his report, the Special Rapporteur had received no confirmation.

39. At 1.30 p.m. on 23 September 1993, four women who had just communicated information to the Special Rapporteur were arrested by members of the police in front of the United Nations office at Khartoum. The Special Rapporteur witnessed two women being dragged on the street and forced into a police vehicle. A few minutes later, the police, before many witnesses, arrested a group of about 25 persons, mainly women, who had been waiting in front of the United Nations office to meet the Special Rapporteur. Several were reportedly beaten up by police officers. The arrests took place despite reported assurances from government authorities that the peaceful assembly of the petitioners would not be interfered with. These persons were finally released, but some of the women were threatened, exposed to degrading treatment and abused verbally during their interrogation by security officers.

40. During his mission to the Sudan in September 1993, the Special Rapporteur raised several of the above cases with the Minister of Justice, who promised that he would look into them. In his statement to the General Assembly on 24 November 1993, the Minister of Justice referred to the incident of 23 September 1993, stating that the four women and the other persons concerned had been arrested because they had chosen to see the Special Rapporteur in an unlawful "procession" which violated the law relating to peace and order. He stated, however, that all persons arrested had been released unharmed. In its comment on the interim report of the Special Rapporteur to the General Assembly (A/48/601), the Government further stated that the persons participating in the assembly had not obtained the required permission. In addition, it was the responsibility of the Government to protect the Special Rapporteur and the United Nations Office against any violence (A/C.3/17, para. B 16).

41. With respect to these incidents, the Special Rapporteur expressed strong concern that those who had contacted the United Nations office during his mission and had come to speak with him had been subjected to reprisals. He stated that this fear was warranted given the apparent threat directed against Aliaba James Surur, as referred to above. The Special Rapporteur also noted that, notwithstanding any consideration of the validity of the laws which may have been invoked, the effective result of these incidents was interference with his investigations.

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